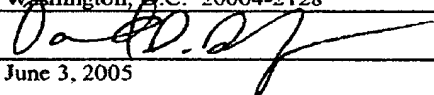


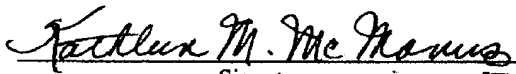
<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/069,978
		Filing Date	03/14/2002
		First Named Inventor	Nils Peter REENBERG
		Group Art Unit	2643
		Examiner Name	Tuan Duc Nguyen
Total Number of Pages in This Submission	18	Attorney Docket Number	742111-133

Attn: Office of Petitions

The following documents are enclosed:

1. Renewed Petition under 37 CFR 1.137(a)
2. Copy of transmission receipt dated March 10, 2005
3. Copy of docket page dated December 7, 2004
4. Copy of transmission receipt dated December 10, 2004
5. Copy of Request for Reissuance of Office Action and Contingent Petition dated December 10, 2004 with copy of docket page dated December 7, 2004
6. Amendment

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David S. Safran, Reg. No. 27,997 Nixon Peabody LLP 401 9 <sup>th</sup> Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	June 3, 2005

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
I hereby certify that this correspondence is being:	
<input type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop _____, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450	
<input checked="" type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306	
June 3, 2005 Date	 Signature Kathleen M. McManus Typed or printed name

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JUN 03 2005

Docket No. 742111-133

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)	
Nils Peter REENBERG	)	Examiner: Tuan Duc Nguyen
Serial No. 10/069,978	)	Group Art Unit: 2643
Filed: 03/14/2002	)	
For: DIAPHRAGM TRANSDUCER	)	

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office: Fax No. (703) 872-9306 on June 3, 2005.

  
Kathleen M. McManus

**RENEWED PETITION UNDER 37 CFR 1.137(a)**

Attention: Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In a Decision issued on April 4, 2005, applicant's Petition filed March 10, 2005, which was first treated as a petition to withdraw the holding of abandonment, was dismissed since it lacked the required response to the Office Action of February 6, 2004 and since the docket record referred to in the Petition became separated from the official file before reaching the Petitions Office (see appended transmission receipt showing receipt by the Office of a 9 page transmission the ninth page of which was the accompanying docket page).

This Renewed Petition contains a response to the Office Action of February 6, 2004 and a copy of the missing docket page. Thus, the undersigned again states that, on the basis of a search of the file jacket, unmatched papers and docket records, it was determined that the Office Action of February 6, 2004 was not received by the undersigned law firm despite the fact that the face of the Office Action bears the correct mailing address.

Furthermore, as stated in applicant's original Petition, on December 10, 2004, a Request for Reissuance of Office Action and Contingent Petition was filed in the USPTO by telefax with a Certificate of Mailing. A copy of this Request and delivery acknowledgement are attached

hereto. On December 14, 2004, a Notice of Abandonment was issued, and while the Examiner was subsequently advised by telephone of the filing of this Request which included a contingent petition to revive, however, as of yet, since no action had been taken by the Office, the status of this matter was checked via PAIR, and it was noted that applicant's request still has not been entered into the file of the present application, so that applicant formally petitioned that this application be revived as having become abandoned as a result of unavoidable circumstances. That is, was noted in the December 10<sup>th</sup> Request, the undersigned first learned that an Office Action had been issued in connection with the above-captioned patent application on February 6, 2004, as a result of a telephone call from the Examiner on December 7, 2004, and its content was still unknown at the time of the original Petition.

The fact that the Office Action was never received is reflected by that appended printout of the docket entries for the subject application which the undersigned printed out from his firm's docketing system at the time he first learned of this situation. As can be seen from this printout, the receipt of an Office Action is not listed, the last entry being the filing of a status inquiry letter with the Office in September of 2003. The "closed by script" designation in the "Action Notes" column is the result of a program that was run when the undersigned's firm converted from one docketing to another docketing system and which automatically closed all open items, the date for action of which had passed. Furthermore, since the initial Office Actions from electrical technology centers routinely take two years or more to be issued\*, applicant had no reason to suspect that an Office Action might have been issued. It is also noted that the undersigned has no history of not receiving Office Actions, and in fact, has rarely made use of 37 CFR 1.137(a) in over twenty years of practice before the Office.

Thus, since the Office Action was evidently lost in the mails, applicant's failure to respond to the Office Action of February 6, 2004, was unavoidable due to the failure to receive the Office Action.

It is understood that the Petition to revive – unavoidable fee of \$250.00 has been charged to the deposit account. However, if this Renewed Petition should be denied, it is contingently requested that this Renewed Petition be treated as containing a petition for revival on the basis

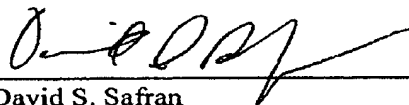
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\* The March 8, 2005, Office Gazette indicates that the average filing date of applications receiving a first office from Technology Center 2640 during the three months preceding that date was then June 2, 2002.

of unintentional abandonment with the Commissioner being hereby authorized to charge the associated fee or any other fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380(742111-133)

Respectfully submitted,

By: \_\_\_\_\_

  
David S. Safran  
Registration No. 27,997

NIXON PEABODY LLP  
Suite 900  
401 9<sup>th</sup> Street, N.W.  
Washington D.C. 20004

Telephone: (703) 827-8094  
DSS:kmm

**McManus, Kathleen**

---

**From:** EasyLink [support@easylink.com]  
**Sent:** Thursday, March 10, 2005 11:31 AM  
**To:** McManus, Kathleen  
**Subject:** Delivery Notice: Petition to Revive - 742111-133

DELIVERY NOTICE

Your message was received at:

Date and time of receipt: March 10, 04:20:01 PM GMT  
Received from: kmmcmamus@nixonpeabody.com  
Called fax machine identifier: USPTO  
Subject of message: Petition to Revive - 742111-133

Delivery Information:

Delivered to: 17038729306 (United States)  
Date and time of delivery: March 10, 04:31:04 PM GMT  
Number of pages delivered: 9  
Delivery was made on attempt #: 1  
Your Document Reference #: 0881001050695879900

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Patent: 742111/000133 United States

CONFIDENTIAL

Printed:

# DIAPHRAGM TRANSDUCER

Washington Patent

Country:	United States	Foreign Agent:		Application:	3/14/2002 10/069,978
Status:	FILED	Client:		Publication:	
Sub Status:		Division:		Patent:	
Case Type:	REGULAR CASE TYPE	Current Owner:	NanoNord A/S	Parent:	
Relation	ORIGINAL OR PATENT	Client Ref #:	P9961USPC/RM/BL	1st Filed:	9/14/1999
Type:	CASE	Recordal Date:	4/25/2003	Tax Base:	
Filing Type:	NATIONAL CASE	Reel/Frame:	13990.00 / 135-136	Next Tax:	
Filing #:		Confirmation Number:		Expires:	
Attorney #1:	David S. Safran	Convention Type:			
Attorney #2:	David S. Safran	Created 3/4/2004 by MDC			
Attorney #3:	David S. Safran	Updated 3/2/2004 by MDC			

## Inventors

Inventor Name	Assignment Date	Inventor
		REENBERG, NILS PETER

## Other Nos

Other Number	Code	Other Number	Other Number	Date
Confirm Number		2999.00		

## Actions

Action	Action Due Date	Taken Date	Deadline Date	Reminder Receipt	Completed Date	Action Notes
PUBLISHED	3/14/2001				3/14/2001	--- Closed by script 11/14/2004
MUST FILE APPLICATION B4 DATE GIVEN	3/14/2002				3/14/2002	LAST DAY FOR FILING IN U.S. APP, DRAWINGS, DEC, ASSIGNMENT, PRELIM. AMENDMENT H/C 03/14/02
INFORMATION DISCLOSURE STATEMENT	6/14/2002				6/14/2002	INFORMATION DISCLOSURE DOCUMENTS DUE 6/20/2002 0:00:00 FILE IDS, REQUEST FOR CONSIDERATION OF DOCS CITED IN ISR IDS, 1449, 3 REFS FILED 10/25/02 --- Closed by script 11/14/2004
FILING RECEIPT REMINDER	6/20/2002				6/20/2002	OFFICIAL FILING RECEIPT RECEIVED? PLL 6/20/2002 0:00:00 OFFICIAL FILING RECEIPT RECEIVED? OFR REC'D 06/20/02
HISTORY	4/21/2003				4/25/2003	ASSIGNMENT ASSIGNMENT FILED 04/21/03
STATUS INQUIRY LETTER TO PTO	9/14/2003				9/14/2003	HAS PTO ACTED ON APPLICATION? YES --- Closed by script 11/14/2004

## Description

file://C:\Program%20Files\IPMaster\ipmPatent23900.htm

12/7/2004

**McManus, Kathleen**

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**From:** EasyLink [support@easylink.com]  
**Sent:** Friday, December 10, 2004 3:55 PM  
**To:** McManus, Kathleen  
**Subject:** Delivery Notice: 742111-133

DELIVERY NOTICE

Your message was received at:

Date and time of receipt: December 10, 08:52:06 PM GMT  
Received from: kmmcmanus@nixonpeabody.com  
Called fax machine identifier: USPTO  
Subject of message: 742111-133

Delivery Information:

Delivered to: 17038729306 (United States)  
Date and time of delivery: December 10, 08:54:19 PM GMT  
Number of pages delivered: 3  
Delivery was made on attempt #: 1  
Your Document Reference #: 0291000043457512400

If you are experiencing a problem, please contact the Help Desk at 41-1515 or 1-866-435-7671.

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JUN 03 2005

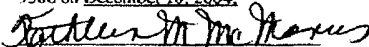
Docket No. 742111-133

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)	
Nils Peter REENBERG	)	Examiner: Tuan Duc Nguyen
Serial No. 10/069,978	)	Group Art Unit: 2643
Filed: 03/14/2002	)	
For: DIAPHRAGM TRANSDUCER	)	

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office: Fax No. (703) 872-9306 on December 10, 2004.

  
Kathleen M. McManus

**REQUEST FOR REISSUANCE OF OFFICE ACTION**  
**AND CONTINGENT PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

As a result of a telephone call from the Examiner December 7, 2004, it was first learned that an Office Action had been issued in connection with the above-captioned patent application on February 5, 2004. However, the indicated Office Action was never received by applicant's attorneys. This fact is reflected by that appended printout of the docket entries for the subject application which the undersigned printed out from his firm's docketing system. As can be seen, the receipt of an Office Action is not listed, the last entry being the filing of a status inquiry letter with the Office in September of 2003. The "closed by script" designation in the "Action Notes" column is the result of a program that was run when the undersigned's firm converted from one docketing to another docketing system and which automatically closed all open items the date for action of which had past.

Thus, since the Office Action was evidently lost in the mails, it is requested that the Office Action of February 5, 2004, be rescinded and reissued with a new period for response. However, should the application be deemed abandoned for failure to respond, it is requested that this be deemed a petition to review due to unavoidable abandonment, the failure to

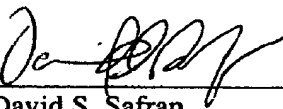


receive the Office Action having made it unavoidable that a response thereto would not be filed.

If the above circumstances require payment of a fee in order to have the application reinstated and a new Office Action issued, then the Commissioner is hereby authorized to charge any fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380(742111-133)

Respectfully submitted,

By: \_\_\_\_\_

  
David S. Safran  
Registration No. 27,997

NIXON PEABODY LLP  
Suite 900  
401 9<sup>th</sup> Street, N.W.  
Washington D.C. 20004

Telephone: (703) 827-8094



Patent: 742111/000133 United States

CONFIDENTIAL

DIAPHRAGM TRANSDUCER

Printed:

Washington Patent

Country: United States  
 Status: FILED  
 Sub Status:  
 Case Type: REGULAR CASE TYPE  
 Relation Type: ORIGINAL OR PATENT CASE  
 Filing Type: NATIONAL CASE  
 Filing #:   
 Attorney #1: David S. Safran  
 Attorney #2: David S. Safran  
 Attorney #3: David S. Safran

Foreign Agent:  
 Client:  
 Division:  
 Current Owner: NanoNord A/S  
 Client Ref #: P9961USPC/RM/BL  
 Recordal Date: 4/25/2003  
 Reel/Frame: 13990.00 / 135-136  
 Confirmation Number:  
 Convention Type:  
 Created 3/4/2004 by MDC  
 Updated 3/2/2004 by MDC

Application: 3/14/2002 10/069,978  
 Publication:  
 Patent:  
 Parent:  
 1st Filed: 9/14/1999  
 Tax Base:  
 Next Tax:  
 Expires:

## Inventors

Inventor Name	Assignment Date	Inventor
		REENBERG, NILS PETER

## Other Nos

Other Number	Code	Other Number	Other Number	Date
Confirm Number		2999.00		

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MUST FILE APPLICATION B4 DATE GIVEN	3/14/2002				3/14/2002	LAST DAY FOR FILING IN U.S. APP, DRAWINGS, DEC, ASSIGNMENT, PRELIM. AMENDMENT H/C 03/14/02
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HISTORY	4/21/2003				4/25/2003	ASSIGNMENT ASSIGNMENT FILED 04/21/03
STATUS INQUIRY LETTER TO PTO	9/14/2003				9/14/2003	HAS PTO ACTED ON APPLICATION? YES --- Closed by script 11/14/2004

## Description

file://C:\Program%20Files\IPMaster\ipmPatent23900.htm

12/7/2004